which use primarily "coin lines," with a "27" code that ***does*** uniquely identify calls to IXCs as payphone calls, without any necessity for IXCs to obtain additional information from LIDB.

Flexible Automatic Numbering Identification ("Flex ANI"), a service that enables a LEC to expand the number of screening codes available, does permit the transmission of a "70" code that uniquely identifies COCOT lines, ***but only to those IXCs subscribing to Flex ANI.*** Few, if any IXCs currently subscribe to Flex ANI, and they have no incentive to do so. To a significant extent, unless IXCs are required to subscribe to Flex ANI in all area codes, Flex ANI cannot be relied upon as a solution of the discriminatory provision of discrete screening codes.

The BOCs assert that independent PSPs have comparable access to discrete screening codes that identify payphone calls because the "27" code is provided with coin line services. In other words, the BOCs claim that they need not provide discrete screening codes with COCOT service. According to the BOCs, independent PSPs can get screening code service, which is one of the essential services needed by PSPs, by abandoning their substantial investment[34] in instrument-based ("smart") payphones.[35]

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[34] As discussed in the FCC's Payphone Order, for many years independent PSPs were denied any opportunity at all to interconnect to the coin line functions of the BOCs' networks. Independent PSPs were forced, whether they wished to or not, to invest in payphone instrument-based technology ("smart" payphones) in order to provide the basic call rating functions and call control functions that are essential to the operation of a coin payphone. Thus, PSPs that subscribe to coin lines must sacrifice their substantial investment in "smart" payphones.

[35] Coin line service as currently offered is ***not*** a practical alternative for independent PSPs. The BOCs' proposed coin line services are not useful to independent PSPs because

(Footnote continued)

To eliminate the BOCs' discrimination against independent PSPs and in favor of BOC PSPs, BOCs must be required to reconfigure the existing screening codes associated with access services to which IXCs ***do subscribe***, so that a unique code is available for COCOT service as well as coin line service.[36] The Bureau should have decided this issue when ruling on the BOC CEI Plans. The Bureau should have ruled that by BOCs transmitting a unique screening code with coin line service, while transmitting a non-unique code with COCOT service, they discriminate heavily in favor of their payphone divisions, providing them with an unwarranted advantage in the collection of per-call compensation from IXCs. Accordingly, the Commission should require BOCs (and other LECs) to provide PSPs using COCOT lines with a screening code that uniquely identifies their lines as payphone lines.

(Footnote continued)
they do not allow PSPs to select their own end user rates for sent-paid toll calls or overtime local calls. The only rates available with the coin line service are those selected by the BOC's own payphone operation. Nor does BOC coin line service permit PSPs to route non-sent paid calls to the operator service provider of their choice. E.g., Comments of the American Public Communications Council on Pactel's CEI Plan, filed in CC Docket No. 96-128 on February 12, 1997. (The Bureau rejected these claims in their CEI Orders). For these reasons, the Commission must assume that COCOT service will remain the only viable interconnection option for most independent PSPs, while coin line service will be used overwhelmingly by most BOC PSPs. (BellSouth is the only BOC that will no longer use primarily coin line service to provide payphone service.)

[36] The relatively few available codes with ordinary access service have to be reallocated because only the non-unique "07" code is currently available. The "07" code only identifies that a line may have restrictions, and requires the IXC to check a database to determine if calls are placed from payphones using COCOT service.

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III. SERVICE ORDER PROCESSING

The Bureau failed to require the BOCs to specify in sufficient detail the procedures that they will follow to ensure nondiscriminatory treatment of service ordering requests in situations where a Bell company payphone is displaced by an independent payphone (or vice versa). The Bureau also erroneously held that APCC's request that more detailed descriptions of these procedures be required "is beyond the scope of the installation, maintenance and repair requirement."[37]

In APCC's comments on the BOC CEI Plans, APCC urged the Bureau to require the BOCs to specify in detail the precise service ordering procedures they would follow when a BOC payphone at a particular location is replaced by an independent PSP payphone, or vice versa.

For example, if a location provider authorizes an independent PSP to replace a BOC's payphone division, and the payphone division claims that a contract is still in force between an independent PSP and the location provider, what procedures does the BOC follow to determine whether to provide service on the same line to the new PSP? What procedures does the BOC follow when there has also been a change (or claimed change) in ownership of the location, and the new and old PSPs have conflicting letters of authorization from the new and old owners?

Such replacement situations have a huge potential for discrimination and unfair marketing by the LEC. The "incoming" PSP is just beginning to develop a relationship

[37] E.g., Bell Atlantic CEI Order, ¶¶ 26, 32; SWBT CEI Order, ¶¶ 28, 32; U S West CEI Order, ¶¶ 33, 35, 39; see also BellSouth CEI Order, ¶¶ 26 (failing to address unfair marketing issues, although noting that APCC raised the issues).

with a new location provider, and there is inherently a strong incentive for the BOC to use its monopoly control over the provision of local service in ways that obstruct the smooth transition to a new PSP and encourage the location provider to return to the "safer" choice of a LEC-controlled PSP. Unless the procedures are specified and approved, there is great potential for the BOC service order processing personnel to exercise "discretion" in a way that favors the BOC's own payphone division whenever possible.

The BOCs' CEI plans, and in most cases even their follow-up reply comments and ex parte submissions, did not specify in significant detail the procedures they would follow in replacement situations, beyond vague generalizations that they would treat all PSPs equally, including their own payphone operations.[38] Yet, the Bureau's CEI Orders blandly accepted these vague generalizations and declined to require additional detail. Worse, the Bureau found that the potential for unfair marketing inherent in these situations is "beyond the scope of the installation, maintenance and repair requirement." See, e.g., Southwestern Bell CEI Order, ¶ 32.

The Commission should modify this portion of the CEI Orders and require the BOCs to provide full detail on how they will handle payphone replacement situations.

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[38] PacTel, after being pressed by the California Payphone Association, finally submitted a fairly detailed statement of the specific procedures it would follow. Although even this statement could and should have been supplemented in more detail, it provided a model that the Bureau could and should have required the other BOCs to match in terms of the detail provided. However, the Bureau approved the other BOCs' plans without obtaining or requiring even the level of detail provided by PacTel.

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IV. CONCLUSION

For the reasons discussed herein, the Commission should require U S West; NYNEX's subsidiary, New York Telephone Company; and BellSouth to federally tariff their call blocking and call screening services. Further, the Commission should require all LECs to provide PSPs using COCOT lines with a screening code that uniquely identifies their lines as payphone lines. Finally, the Commission should require BOCs to provide specific details in their CEI Plans on how their service ordering procedures will prevent discrimination or unfair marketing practices when BOC payphones are replaced by unaffiliated payphones (and vice versa), including prevention of unfair marketing practices when payphones are replaced.

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